

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC, *et al.*,¹

Debtors.

Chapter 7

Case No. 23-10253 (KBO)
(Jointly Administered)

GEORGE MILLER, Chapter 7 Trustee of the
bankruptcy estates of Akorn Holding Company
LLC, *et al.*,

Plaintiff,

v.

MCKESSON CORPORATION, MCKESSON
SPECIALTY CARE DISTRIBUTION LLC,
MCKESSON MEDICAL-SURGICAL, INC.,

Defendants.

Adv. Proc. No. 24-50042 (KBO)

**REPORT WITH RESPECT TO THE STATUS OF ADVERSARY PROCEEDING
AGAINST MCKESSON CORPORATION, MCKESSON SPECIALTY CARE
DISTRIBUTION LLC, MCKESSON MEDICAL-SURGICAL, INC.**

Plaintiff submits this status report (the “Report”) regarding the status of the above-captioned adversary proceeding against McKesson Corporation, McKesson Specialty Care Distribution LLC, and McKesson Medical-Surgical, Inc. (together, the “Defendants”).

The complaint was filed on April 15, 2024 (Adv. D.I. 1) (the “Complaint”), asserting claims for payment of goods sold and delivered, breach of contract, unjust enrichment, turnover of accounts receivable, and related relief.

¹ The Debtors in these Chapter 7 Cases, along with the last four digits of each Debtor’s federal tax identification number, are: Akorn Holding Company LLC (9190); Akorn Intermediate Company LLC (6123) and Akorn Operating Company LLC (6184). The Debtors’ headquarters was located at 5605 CenterPoint Court, Gurnee, Illinois 60031.

On June 3, 2024, Defendants filed a motion to dismiss counts five (turnover of property) and six (disallowance of proofs of claim) of the Complaint (Adv. D.I. 19) (the “Partial Motion to Dismiss”). The Court granted the Partial Motion to Dismiss on September 17, 2024 (Adv. D.I. 45).

On October 1, 2024, Defendants filed an answer to the remaining counts in the Complaint (Adv. D.I. 49).

On October 3, 2024, Plaintiff filed a *Motion to Compel (I) Defendants to Respond to Interrogatories and Produce Documents, and (II) Granting Related Relief* (Adv. D.I. 50) (the “Motion to Compel”). The parties fully briefed the Motion to Compel, and have agreed to adjourn oral argument on the Motion to Compel until February 20, 2025, at 9:30 a.m. (ET) to allow additional time for the parties to consensually resolve the discovery disputes.

Pursuant to the *Scheduling Order* (Adv. D.I. 26), the following key dates have been established for the discovery process:

- Fact discovery must be completed by February 1, 2025.
- Expert reports for issues where parties bear the burden of proof are due by February 21, 2025, with rebuttal reports required by March 11, 2025.
- All expert discovery is to be completed by April 2, 2025.

The parties continue to work diligently to meet the established deadlines, engage in discovery, and ensure compliance with all requirements.

Dated: January 27, 2025

SAUL EWING LLP

/s/ Paige N. Topper

Evan T. Miller (DE Bar No. 5364)
Paige N. Topper (DE Bar No. 6470)
1201 N. Market Street, Suite 2300
Wilmington, DE 19801
Telephone: (302) 421-6800
evan.miller@saul.com
paige.topper@saul.com

and

Michelle G. Novick (admitted *pro hac vice*)
161 North Clark Street, Suite 4200
Chicago, IL 60601
Telephone: (312) 876-7899
michelle.novick@saul.com

and

Turner N. Falk (admitted *pro hac vice*)
1500 Market Street, 38th Floor
Philadelphia, PA 19102
Telephone: (215) 972-8415
turner.falk@saul.com

Counsel to Plaintiff